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CRL O.P. No.21483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21483 of 2024

Tamilselvan

... Petitioner / Accused - 2

Vs

State rep. by
The Sub Inspector of Police,
Kunnam Police Station.

(Crime No.392 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.392 of 2024, on the file of the respondent.

For Petitioner : Mr.Panneer Selvam C.

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.08.2024 for the offences punishable under Sections 296(b), 351(3) of BNS, 2023, and Section 4 of TNPPDL Act, 1992, in Crime No.392 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.08.2024, owing to money dispute, there was a wordy quarrel between the accused and the defacto complainant, due to which, the petitioner along with the other accused came to the mechanic shop of the defacto complainant, abused him in filthy language and set fire on the mechanic shop and caused damages to the tune of Rs.3,00,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence as he is only helping the defacto complainant when he was in dire need of money since he is carrying on with the construction



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of house and only due to previous enmity between the other accused, a false complaint has been given against this petitioner. He would also submit that the petitioner has been in custody from 15.08.2024. He would also submit that there is no previous case against the petitioner and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to money dispute between the accused and the defacto complainant, the petitioner along with the other accused went to the mechanic shop of the defacto complainant, picked up quarrel with him and set fire on the mechanic shop and caused damages to the tune of Rs.3,00,000/-. He would further submit that there are no previous cases pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offences and that already the first remand period was over and the petitioner was not taken into police custody and taking into consideration the number of days of incarceration undergone by the petitioner and that there is no previous case pending as against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Kunnam, Perambalur District**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.09.2024

ata

To

- 1.The District Munsif cum Judicial Magistrate,
Kunnam, Perambalur District.
- 2.The Sub Inspector of Police,
Kunnam Police Station.
- 3.Sub Jail, Perambalur.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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